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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS 2015 AU 12 AM 10:48

DEL RIO DIVISION

WESTERN DISTRICT OF TEXAS  
U.S. CLERK'S OFFICE

UNITED STATES OF AMERICA

Cause No. *efr*

**INDICTMENT**

v.

MICHAEL MARTINEZ

[VIO: COUNT ONE: 21 U.S.C. §  
2261(A), Stalking; COUNT TWO: 221  
U.S.C. § 2261(A), Stalking; COUNT  
THREE: 21 U.S.C. § 2261(A), Stalking;  
COUNT FOUR: 18 USC§ 2251(a) and  
(e), Sexual Exploitation of A Minor and  
Attempt; COUNT FIVE: 18 USC§  
2252(a)(2), Receipt of Child  
Pornography; COUNT SIX: 18  
USC§ 2252A(a)(5)(B), Possession of  
Child Pornography; COUNT SEVEN:  
18 USC§ 2422(b), Coercion and  
Enticement.]

THE GRAND JURY CHARGES:

COUNT ONE **DR 15 CR 0973**  
[18 USC § 2261A(2)]

Between on or about January 2014, and on or about August 21, 2014, in the Western  
District of Texas, Defendant,

MICHAEL MARTINEZ

did, with the intent to harass and intimidate another person, A.T., use an interactive computer  
service, electronic communication service, electronic communication system of interstate  
commerce, and facilities of interstate or foreign commerce, to engage in a course of conduct that  
caused, attempted to cause, and would be reasonably expected to cause substantial emotional  
distress to A.T., in violation of Title 18, United States Code 2261A(2).

COUNT TWO  
[18 USC § 2261A(2)]

Between on or about October 2013 and on or about August 18, 2014, in the Western District of Texas, Defendant,

MICHAEL MARTINEZ

did, with the intent to harass and intimidate another person, S.G., use an interactive computer service, electronic communication service, electronic communication system of interstate commerce, and facilities of interstate or foreign commerce, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to S.G., in violation of Title 18, United States Code 2261A(2).

COUNT THREE  
[18 USC § 2261A(2)]

Between on or about October 2013 and on or about August 21, 2014, in the Western District of Texas, Defendant,

MICHAEL MARTINEZ

did, with the intent to harass and intimidate another person, V.V., use an interactive computer service, electronic communication service, electronic communication system of interstate commerce, and facilities of interstate or foreign commerce, to engage in a course of conduct that caused, attempted to cause, and would be reasonably expected to cause substantial emotional distress to V.V., in violation of Title 18, United States Code 2261A(2).

COUNT FOUR  
[18 USC §§ 2251(a) and (e)]

Between on or about October 2013 and on or about August 21, 2014, in the Western District of Texas, Defendant,

MICHAEL MARTINEZ

employed, used, persuaded, induced, enticed, and coerced, a minor, V.V. to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that the visual depiction would be transported or transmitted using any means or facility of interstate or foreign commerce, and affecting interstate or foreign commerce, and that the visual depiction would be produced or transmitted using interstate materials that had been mailed, shipped or transported in or affecting interstate or foreign commerce by any means, and attempted to do so in violation of Title 18, United States Code 2251(1) and (e).

COUNT FIVE

[18 USC § 2252(a)(2)]

Between on or about October 2013 and on or about August 21, 2014, in the Western District of Texas, Defendant,

MICHAEL MARTINEZ

did knowingly receive via electronic mail at least one visual depiction, the producing of which involved at least one minor engaging in sexually explicit conduct as defined in Title 18, United States Code, Section 2256, which depiction had been transported in interstate or foreign commerce, had been sent or received using any means of interstate or foreign commerce or which contained materials that had been mailed, shipped or transported in interstate or foreign commerce by any means, all in violation of Title 18, United States Code 2252(a)(2).

COUNT SIX

[18 USC§ 2252A(a)(5)(B)]

Between on or about October 2013 and on or about August 21, 2014, in the Western District of Texas, Defendant,

MICHAEL MARTINEZ

did knowingly possess, attempt to possess, access with intent to view, and attempt to access with intent to view, material which contains an image of child pornography, as defined in Title 18, United States Code, Section 2256, that had been shipped and transported using any means and facility of interstate and foreign commerce and in or affecting interstate or foreign commerce by any means, including by computer, and which was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer in violation of Title 18, United States Code 2252A(a)(5)(B).

COUNT SEVEN

[18 USC § 2422(b)]

Between on or about October 2013 and on or about August 21, 2014, in the Western District of Texas, Defendant,

MICHAEL MARTINEZ

did use any facility of interstate and foreign commerce, to knowingly persuade, induce, entice and coerce V.V. an individual who had not attained the age of 18 years to engage in any sexual activity for which any person could be charged with an offense, and attempted to do so, all in violation of Title 18 United States Code Section 2422(b).

**NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE**

*See Fed. R. Crim. P. 32.2*

**I.**

**Sexual Exploitation Violations and Forfeiture Statute**

**[Title 18 U.S.C. §§ 2251(a) and (e), 2252(a)(2), and 2252A(a)(5)(B),  
subject to forfeiture pursuant to Title 18 U.S.C. § 2253(a).]**

As a result of the foregoing criminal violations set forth in Counts Four, Five, and Six, the United States of America gives notice to Defendant MICHAEL MARTINEZ of its intent to

seek the forfeiture of the property described below upon conviction pursuant to Fed. R. Crim. P.

32.2 and Title 18, United States Code, Section 2253(a), which states:

**Title 18 U.S.C. § 2253. Criminal forfeiture**

**(a) Property subject to criminal forfeiture.**—A person who is convicted of an offense under this chapter involving a visual depiction described in section 2251, . . . 2252, 2252A, . . . of this chapter . . . shall forfeit to the United States such person's interest in—

- (1) any visual depiction described in section 2251, . . . 2252 2252A, . . . of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
- (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- (3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

This Notice of Demand for Forfeiture includes, but is not limited to, the following property described below.

**II.**

**Coercion and Enticement Violation and Forfeiture Statute**

**[Title 18 U.S.C. § 2422(b), subject to forfeiture pursuant to Title 18 U.S.C. § 2428(a).**

As a result of the foregoing criminal violation set forth in Count Seven, the United States of America gives notice to Defendant MICHAEL MARTINEZ of its intent to seek the forfeiture of the property described below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 18, United States Code, Section 2428(a), which states:

**Title 18 U.S.C. § 2428. Forfeitures**

**(a) In general.**—The Court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

- (1) such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and
- (2) any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation.

This Notice of Demand for Forfeiture includes, but is not limited to, the following property.

1. LG-D850 G3 cell phone S/N 407KPDT105954;
2. Samsung Galaxy cell phone S/N R31D80L1H3B;
3. Apple Desktop s/n W88380H4ZE3 w/ keyboard and mouse pad;
4. Apple ipad s/n F4KM18RHFCM5;
5. Seagate external hard drive s/n 2GEY8BBL;
6. Apple ipad s/n HW101E0GZ38;
7. Macbook Pro s/n C02F8Y8ZDH2G;
8. Apple iphone model A1332 cracked screen;
9. Acomdata external hard drive s/n A0635382;
10. Apple ipad s/n DMQJ15WDDKPH;
11. Motorola cellphone imei 353648042756527;
12. Motorola cellphone imei 353648046071576;
13. Cisco Wireless Router s/n JUT00LA16176;
14. Seagate external hard drive s/n 4lh0qby3;
15. Cisco Wireless router s/n 12a10603284668;
16. Seagate external hard drive s/n naixvedt;
17. Seagate slim for Mac portable drive s/n NA712JY8;
18. Container of CDs;
19. CD sleeve with CDs;
20. Container of CDs; and
21. Any and all other computer and electronic equipment seized from 1715 Kingsway, Apartment 804, Del Rio, Texas on August 21, 2014.

A TRUE BILL.

\_\_\_\_\_  
FOREPERSON

RICHARD L. DURBIN, JR.  
United States Attorney

By: \_\_\_\_\_

RALPH PARADISO

Assistant United States Attorney

UNSEALED: XX

**DR 15 CR 0973**

**PERSONAL DATA SHEET  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION**

COUNTY: VAL VERDE

USAO #: 2015R12596

DATE: AUGUST 12, 2015

MAG. CT. #: MATTER

AUSA: RALPH PARADISO

DEFENDANT: MICHAEL MARTINEZ

CITIZENSHIP: USA

INTERPRETER NEEDED: NO

LANGUAGE: ENGLISH

DEFENSE ATTORNEY: UNKNOWN

ADDRESS OF ATTORNEY:

DEFENDANT IS: TO BE ARRESTED

DATE OF ARREST: N/A

BENCH WARRANT NEEDED: YES

PROBATION OFFICER: N/A

NAME AND ADDRESS OF SURETY: N/A

YOUTH CORRECTIONS ACT APPLICABLE: NO

PROSECUTION BY: SEALED INDICTMENT

OFFENSE: (Code & Description): Counts 1-3 - 21 U.S.C. § 2261(A), Stalking, Count 4 - 21 U.S.C. § 2251(a) and (e ), Sexual Exploitation of A Minor and Attempt; Count 5 - 18 U.S.C. § 2252(a)(2), Receipt of Child Pornography; Count 6 - 18 U.S.C. § 2252(a)(5)(B), Possession of Child Pornography; Count 7 - 18 U.S.C. § 2422(b), Coercion and Enticement.

OFFENSE IS: FELONY

MAXIMUM SENTENCE: COUNTS 1-3: 0-5 years imprisonment; up to \$250,000 fine; at least 1 year of supervised release; \$100 special assessment for each count of conviction; COUNT 4: 15-30 years imprisonment; up to \$250,000 fine; Lifetime supervised release; \$100 special assessment for each count of conviction; for COUNT 5: 5-20 years imprisonment; up to \$250,000 fine; Lifetime supervised release; \$100 special assessment for each count of conviction; COUNT 6: 10 years imprisonment; up to \$250,000 fine; Lifetime supervised release; \$100 special assessment for each count of conviction; COUNT 7: 10 years imprisonment; up to \$250,000 fine; Lifetime supervised release; \$100 special assessment for each count of conviction

PENALTY IS MANDATORY: YES & NO

REMARKS: See above

W/DT-CR-3